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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,889	10/19/2001	Andy Rosa	ROSA 0104 PUS	8709

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Robert P. Renke
Suite 250
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EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
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3752

DATE MAILED: 06/12/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,889

Applicant(s)

ROSA ET AL.

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-7, 9, 11, 13-17, 20, 22, 23, 26-28, 30, 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Inoue.

The patent to Inoue shows a fluid application system for vehicles comprising:

- a fluid source 17 and 53;
- a pump 18 in fluid communication with the fluid source;
- a spray unit including a nozzle 9B in fluid communication with the pump;
- a sensor 11A adapted to output a vehicle detection signal, wherein the sensor is located at the first end of the boom (see Figure 1), the sensor is a light-based sensor as recited in claims 5-7;
- a controller 30 in operative communication with the sensor and the pump, the controller adapted to receive the vehicle detection signal, delay a first time period, and activate the pump for a second time period to deliver the fluid source by way of the spray unit to a detected vehicle as a function of the vehicle detection signal;
- wherein the fluid source comprises first and second fluid sources (Column 8, line 3) in fluid communication with the pump, the pump adapted to receive the

- first and second fluid sources and communicate a mixture of the fluid sources to the spray unit as recited in claim 2;
- wherein the spray unit comprises a boom supporting a plurality of nozzles a first end, the boom configured to support the nozzles over a detected vehicle (Column 4, lines 18-19) as recited in claim 4;
 - a selectable valve between the first fluid source and the pump as recited in claim 9 (Column 7, lines 65-67);
 - regarding claim 15, the first and second ratios of the first and second fluid mixtures are delivered to the nozzles as a function of the type of vehicle detected by the sensors;
 - regarding claim 17, nozzle 9A delivers only detergent and nozzle 9B delivers water or a water/wax mixture;
 - wherein the system comprises three nozzles 8, 9A, and 9B as recited in claim 20.

The device of Inoue is fully capable of carrying out the methods as recited in claims 26-28, 30, and 31.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 3 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Scheiter, Jr. and Rendemonti.

The patent to Inoue discloses the instant invention except for a rotary nozzle and a piston-type pump. The patent to Scheiter, Jr. teaches a fluid application system comprising rotary nozzles and Rendemonti teaches a fluid application system comprising a piston pump to supply a pre-determined quantity of fluid. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue by providing rotary nozzles as taught by Scheiter, Jr. to increase the area covered by the nozzles and to use a piston-type pump as taught by Rendemonti to supply a pre-determined quantity of fluid.

5. Claims 8, 12, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Larson et al.

The patent to Inoue discloses the instant invention except for the sensor being an ultrasonic sensor directed underneath the first end of the boom. The patent to Larson et al. teaches a fluid application system comprising photoelectric sensors PE-1 and PE-2 and an ultrasonic sensor US-5 to detect a vehicle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue by using ultrasonic sensors and photoelectric sensors as taught by Larson et al. since such modifications are known in the art and the device of Inoue would function properly with such a modification. The placement of the sensor is an obvious matter of design choice since the sensor would carry out its function regardless of its location.

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6. Claims 10, 29, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue.

Although Inoue does not specifically disclose the two different flow rates or the height above the ground as recited in claim 32, it would have been obvious to one of ordinary skill in the art that the device of Inoue operates at two different flow rates, one for high pressure spray cleaning and another for applying the water/wax mixture and to have activated the device according to the presence of an object between the recited heights.

7. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue.

Inoue does not disclose the time periods as recited. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have used the time periods as recited, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Tamburri.

The patent to Inoue discloses the instant invention except for the portable structure.

The patent to Tamburri teaches a mobile car washing system which can be readily moved from place to place. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue by converting it into a mobile car washing system as taught by Tamburri in order to be able to readily move the device to a desirable location.

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9. Claims 33-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Scheiter, Jr.

The patent to Inoue discloses the instant invention except for a rotary nozzle. The patent to Scheiter, Jr. teaches a fluid application system comprising rotary nozzles. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue by providing rotary nozzles as taught by Scheiter, Jr. to increase the area covered by the nozzles. It would have been obvious to one of ordinary skill in the art that the device of Inoue operates at two different flow rates, one for high pressure spray cleaning and another for applying the water/wax mixture. The use of an oscillating nozzle as recited in claim 39 would have been an obvious matter of design choice.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue in view of Scheiter, Jr. as applied to claim 33 above, and further in view of Tamburri.

The patents to Inoue and Scheiter, Jr. disclose the instant invention except for the portable structure. The patent to Tamburri teaches a mobile car washing system which can be readily moved from place to place. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Inoue and Scheiter, Jr. by converting it into a mobile car washing system as taught by Tamburri in order to be able to readily move the device to a desirable location.

Conclusion

Art Unit: 3752

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Gorra et al. and Downey are pertinent to Applicant's instant invention.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9302 for regular communications and (703)872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.



Davis Hwu
June 10, 2003